



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

February 12, 2021

Mr. James Chelmowski
6650 N Northwest Hwy #300
Chicago, IL, 60631

Re: Fee category for Freedom of Information Act (FOIA) requests: Clock Stopped for Fees.
Please submit further clarification.

EPA-2021-001511
EPA-2021-001305
EPA-2021-001196
EPA-2021-000819
EPA-HQ-2019-000736

Dear Mr. Chelmowski:

This letter concerns the above-referenced open FOIA requests, received by the U.S. Environmental Protection Agency (EPA or Agency).

Fee Category and Fees

EPA's [FOIA Regulations](#) state the following:

§2.107 Fees.

(a) *In general.* The Agency will charge for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or where a waiver or reduction of fees is granted under paragraph (l) of this section. Requesters will pay fees by check or money order made payable to the U.S. Environmental Protection Agency.

(b) *Definitions.* For purposes of this section:

(1) Commercial use request means a request from or on behalf of a person who seeks information for a use or purpose that furthers the requester's commercial, trade, or profit interests, which can include furthering those interests through litigation. The Agency will determine, whenever reasonably possible, the use to which a requester will put the

requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because the Agency has reasonable cause to doubt a requester's stated use, the Agency will provide the requester a reasonable opportunity to submit further clarification.

(j) *Advance payments.* (1) For requests other than those described in paragraphs (j)(2) and (3) of this section, the Agency will not require the requester to make an advance payment (that is, a payment made before EPA begins or continues work on a request). Payment owed for work already completed (that is, a prepayment before the Agency sends copies to a requester) is not an advance payment.

(2) When the Agency determines or estimates that a total fee to be charged under this section will be more than \$250.00, it may require the requester to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except when it receives a satisfactory assurance of full payment from a requester that has a history of prompt payment.

I have reviewed each of the currently open requests and many of the past requests that you have submitted to the agency. It appears that EPA has inconsistently charged you processing fees. Based on the information that I was able to obtain from public sources, the National FOIA Office believes that you should be categorized as a commercial requester because you are seeking the information for "a use or purpose that furthers the requester's commercial, trade, or profit interests, which can include furthering those interests through litigation."

My conclusion that you will put the records sought through the above FOIA requests to a commercial use is based on the following information:

1) Your Listed Address is a Business Address

The address associated with your requests, 6650 N Northwest Hwy #300, Chicago, Illinois, 60631 is a commercial building and not a private residence. I cannot ascertain what purpose the address is being used for.

Based on a Google search performed on 1/29/2020, another organization appears to share your address:

41st Ward Aldermanic Republican Office
6650 N Northwest Hwy, Ste 300, Chicago, IL 60631
(773) 792-1991

However, that telephone number is associated with a Mr. Brian G Doherty who I surmise is the same Brian G. Doherty described here: [https://en.wikipedia.org/wiki/Brian_Doherty_\(politician\)](https://en.wikipedia.org/wiki/Brian_Doherty_(politician))

Mr. Doherty appears to have moved on from this role and the listed number has been disconnected.

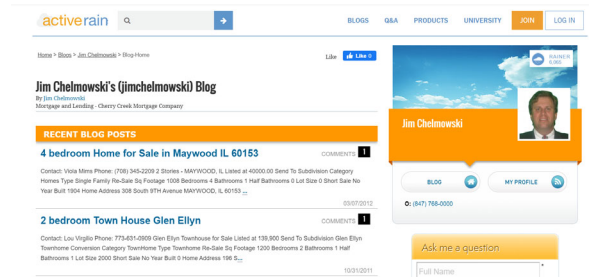
2) The Phone Number at the Heart of Your Litigation Disputes is Affiliated with your Commercial Interests

A Google search revealed that you have a blog available online:

<https://activerain.com/blogs/jimchelmowski>

This blog is associated with you and real estate postings from 2011 but does not appear to be active.

The phone number listed on the blog is: “O: (847) 768-0000.”



Based on publicly available administrative and litigation records including the *Chelmowski v. ATT* Complaint to the FCC, and *James Chelmowski v. AT&T Mobility*, No. 18-1082 (7th Cir. 2019), the (847) 768-0000 vanity phone number listed on your blog seems to be at the heart of a long-standing dispute between you and AT&T that evolved into a dispute with the FCC and now NARA and the EPA. From what I can ascertain, it appears that you wished for this (847) 768-0000 number to forward to (847) 744-5626. In order to obtain documents to support your litigation in furtherance of your commercial objectives, you have been filing Freedom of Information Act Requests. Here is a quote from the Northern District Court of Illinois, also cited by the 7th Circuit:

Having lost his repeated attempts to sue AT&T over the dispute about his cell-phone number, Chelmowski turned to another tactic. He served Freedom of Information Act (“FOIA”) requests on the Federal Communications Commission seeking any documents related to him or his dispute with AT&T. He then filed two lawsuits in the District of Columbia complaining about the government’s FOIA responses and used these suits as vehicles for serving third-party subpoenas on AT&T entities. Litigation over compliance with the subpoenas occurred in the Northern District of Illinois. Judge Sharon Coleman denied Chelmowski’s motion to enforce several of these subpoenas, ruling that he had “not shown any basis in law or in fact for this [c]ourt to allow the request” to “compel discovery from a third-party, AT&T.”(citing Minute Entry, *Chelmowski v. FCC*, No. 1:16-cv-5587 (N.D. Ill. Aug. 24, 2016), ECF No. 24.

James Chelmowski v. AT&T Mobility, No. 18-1082 (7th Cir. 2019) available at:

<https://law.justia.com/cases/federal/appellate-courts/ca7/18-1082/18-1082-2019-01-09.html>

The EPA National FOIA Office believes that all 72 of the FOIA requests and appeals you have submitted to the agency from 2017 to present, seek records to support what the 7th Circuit Court of Appeals characterized as a “never-ending, groundless vendetta over the failed “porting” of your cell-phone number.”

3. You Have Repeatedly Stated that You Need the EPA To Respond to Your EPA FOIA Requests in Order to Prepare Filings in Court for Civil Action No. 17-1394.

I have included several examples of emails that you have sent to EPA stating that your FOIA requests are essentially discovery for your pending litigation in Civil Action No. 17-1394 that is tied to your previous disputes with AT&T related to your cell phone number, as seen below. These examples are by no means an exhaustive list of the communications you have sent to this effect. In Example 1, you essentially say that you need responses to all of your open requests and appeals for purposes of your ongoing litigation against EPA, FCC, and NARA.

Lest there be any doubt that Civil Action No. 17-1394 is tied to the ongoing cell phone number vendetta, EPA-HQ-2017-008255 is one of the requests that is the subject of your litigation, and sought EPA's processing records related to "*Chelmowski v. FCC*, No.16 cv 5587 (N.D. Ill)."

Description See attached file for complete FOIA/PA request I am requesting ALL EPA responsive records pursuant to both FOIA 5 USC 552 and Privacy Act 5 USC 552a regarding me the Requestor James Chelmowski. Search Period: 5/1/16 to 6/9/17
Description of Records Sought: EPA communication records including internal and external emails, phone & meeting logs, notes, correspondence, etc. during the search period related to the requester James Chelmowski (search with all name permutations such as Chelmowski, Mr. Chelmowski, James Chelmowski & Jim Chelmowski, etc.) and including searches on misspellings like the ones NARA used Chelmowsky, Chelmoski and all communications internal and external emails, logs, notes correspondence, etc. related to my EPA FOIA requests EPA-HQ-2016-009708, EPA-HQ-2017-005390 (all abbreviations like EPA-HQ-2016-9708, EPA-HQ-2017-9708) and all communications internal and external emails, logs, notes, correspondence, etc. associated with *Chelmowski v. FCC*, No. 16 c 5587 (N.D. Ill) & May 2016 District Court Subpoena EPA never responded to (see attached). Privacy Act/FOIA search must include internal and external emails, notes, conversation & meeting logs and correspondence databases Including Office of General Counsel (database) and Office of Environmental Information (database); EPA- 22 "Correspondence Management System (CMS)"; EPA-9 "FOIA Requests and Appeal Files" and all non-published email and/or correspondence databases. Plus, any other EPA email systems (including but not limited to the mandate central email system of records which mandated all agencies must implement on or before 12/31/16). Include any request for communications deletions or archives for records regarding me. Must include but not limited to individual emails, notes, logs & correspondence to and from Mark Stilp, Larry Gottesman, Judy Earle, Kevin Minoli, Elise Packard, Justin Schwab, David Fotouhi, Richard Albores, Wendy Schumacher, Judith Lewis and any other EPA staff,.

I have included four examples in the appendix below of your communications stating that your currently open FOIA requests are essentially discovery for your pending litigation in Civil Action No. 17-1394.

Opportunity to Submit Fee Clarification

Per EPA FOIA Regulations, it appears that you “will put the records requested [in each of the requests above] to a commercial use, either because of the nature of the request itself or because the Agency has reasonable cause to doubt your stated use.” Specifically, EPA has reason to believe that you are seeking the information to support litigation related to your commercial interests.

Therefore, the Agency will provide you with a reasonable opportunity to submit further clarification.

Clock Stopped for Fee Category Clarification

Processing on all of the above requests has been stopped and the processing clocks are also stopped until you provide clarification about your fee category for each request. **If you do not provide clarification about your Fee Category within 20 days (or by March 4, 2021), the Agency will change your fee category to “Commercial” for all of the above requests as well as future requests that appear to be commercial in nature.** You will not be assessed fees at the commercial rate for any work that has already been performed, however, you will be assessed fees at the commercial rate for all remaining processing work. For each request, the Agency will provide you with a Fee Estimate at the commercial rate for the remaining work to be completed. The agency will evaluate any new requests you submit on a case-by-case basis for the appropriate fee category.

If you have any questions about the contents of this letter, please contact Denise A. Walker at walker.denise@epa.gov or by phone at (202) 564-6520.

As stated above, you may seek assistance from EPA’s FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877)684-6448; or fax: (202) 741-5769.

Sincerely,

/s/ Denise A. Walker
Denise A. Walker, Esq.
Office of General Counsel

APPENDIX A:

Examples of communications stating that your currently open FOIA requests seek records to support your pending litigation in Civil Action No. 17-1394.

Example 1

From: jchelmowski@comcast.net <jchelmowski@comcast.net>

Sent: Wednesday, February 3, 2021 12:19 PM

To: Crawford, Tim <Crawford.Tim@epa.gov>; McGuire, Cathy <McGuire.Cathy@epa.gov>; Roberts, Antonio <Roberts.Antonio@epa.gov>; Sabbagh, Bill <sabbagh.bill@epa.gov>; Sanderson, Bobby <sanderson.bobby@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; McKinney, Robert <mckinney.robert@epa.gov>; Earle, Judy <Earle.Judy@epa.gov>; Green, LindaE <Green.LindaE@epa.gov>; Rementer, Nicole <remitter.nicole@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Blair, Shirley <Blair.Shirley@epa.gov>; Bossard, Justin <bossard.justin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Perrin, Michael <Perrin.Michael@epa.gov>; Hill, Kevin <hill.kevin@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Kerwin, Courtney <Kerwin.Courtney@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Pickell, Casey <pickell.casey@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Christofel, Dave <Christofel.David@epa.gov>; Levine, Scott <Levine.Scott@epa.gov>

Cc: OIP.ComplianceInquiry@usdoj.gov

Subject: RE: Notice of the EPA knowledge of potential Obstructing, negligently concealment, fraudulent concealment, ethic violations, intentional torts, etc. with active DDC 17-cv-1394 which Chelmowski needs to brief with obstructed and concealed knowledge

Importance: High

Dear Robert McKinney, Judy Earle and all EPA staff and attorneys including all EPA involved with any of my FOIA and Privacy Act Requests.

I am still waiting for all my past due FOIA and/or Privacy Act requests and appeals. Please immediately provide all past due requests and dates the EPA will finally comply with their mandatory duties.

Please all recipients confirm receipt in case this needs to be a record of the Court Because the EPA denies receipt of many of my emails. I need all EPA recipients to confirm Read Receipt in case these communications need to go to Court.

EPA and all it's staff are required to perform their mandatory duties by federal law, regulations, directives, policies and procedures.

This email will confirm this Notice to the EPA Attorneys and Staff to Notify Judge James Boasberg of your firsthand knowledge of material facts in the FOIA before this Court being concealed by the EPA, and any attorney ethic violations and/or EPA ethic violations.

As the EPA knows, I needed to request another extension because the EPA is obstructing, and/or negligently concealing, and/or fraudulently concealing these FOIA and/or Privacy Act responsive records.

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 2/1/2021 at 1:51 PM EDT and filed on 2/1/2021

Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA

Case Number: [1:17-cv-01394-JEB](#)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER GRANTING Plaintiff's [77] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by February 8, 2021; 2) Defendants shall file their combined Reply and any Opposition by March 8, 2021; and 3) Plaintiff shall file any Reply by April 8, 2021. The Court further ORDERS that Plaintiff's [76] Motion for Extension of Time is DENIED as superseded. So ORDERED by Judge James E. Boasberg on 2/1/2021. (lcjeb1)

Example 2

From: Jim Chelmowski <jchelmowski@comcast.net>

Sent: Thursday, November 19, 2020 11:55 AM

To: McKinney, Robert <mckinney.robert@epa.gov>

Cc: Noga, Vaughn <Noga.Vaughn@EPA.GOV>; O'Donnell, Sean <ODonnell.Sean@epa.gov>; Crawford, Tim <Crawford.Tim@epa.gov>; O'Donnell, Sean <ODonnell.Sean@epa.gov>; McGuire, Cathy <McGuire.Cathy@epa.gov>; Sabbagh, Bill <sabbagh.bill@epa.gov>; Sanderson, Bobby <sanderson.bobby@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; Anouilh, Jeffrey <Anouilh.Jeffrey@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; National Privacy Program <privacy@epa.gov>; Earle, Judy <Earle.Judy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>;

OIP.ComplianceInquiry@usdoj.gov; Criminal.Division@usdoj.gov; ogis@nara.gov

Subject: 4th Request for Immediate EPA Response Required for Legal Author of the EPA 11-16-20 Privacy Act demands for FOIA & Privacy Act Request # EPA-2021-000337 and Who is Legally Responsible for These New EPA Demands

Importance: High

Dear Mr. McKinney and the EPA,

Because of the EPA refusals to provide the names of the Authors of person responsible for legal letters demanding actions from me or I lose my Rights by Federal laws of FOIA and Privacy Act. The EPA is apparently trying to obstruct and conceal material facts I need to brief for my Rights in an active Federal Court case 17-cv-1394. I was forced to file a FOIA request EPA-2021-000954 requesting all EPA Communications manuals, policies, procedures and training to find out what changed since 2018 when the EPA authors of legal letters provided their names and signatures on EPA legal letters and no EPA refuses to do so. See attached.

This is a simple Yes or No answer.

Will the EPA provide the Legal Letter with the written name of the EPA person who is legally responsible for the contents of the EPA legal demands on me the FOIA/Privacy Act requester? Yes or No.

If yes provide the EPA letter with the legal requirements by the EPA with at least the name of the EPA author who is responsible for the legal contents on the letter.

All EPA letter templates and EPA Communications Manuals found state the name of the author is required on the legal letter as a requirement. However it appears EPA states as a legal fact in 2020 the EPA has changed their policy and legal letters no longer need the name of the author of the person legally responsible of the contents and now EPA legal letters can be Anonymously written?

If the EPA states this November 16, 2020 Privacy Act clarification letter has an legal binding provide the letter with the EPA and legal requirements that must include at least the name of the legal author who is legally responsible for the contents. Like EPA Larry Gottesman did in 2017 and 2018.

It appears you and the EPA has EPA policies and procedures stating legal letters don't need to be signed any more. However even if this is true, legal letters MUST have the name of the author on the letter. Then why can't you send the legal letter with the name of the author who is legally responsible for the contents.

Based on the EPA's October and November 2020 responses and repeated refusals of providing legal letters with the name of the EPA staff required for the legal contents of the letter there MUST be some

new EPA Communications policy, procedures and/or manuals which the EPA will need to produce in the new FOIA request EPA-2021-000954. Hopefully, these EPA actions are not obstructing and fraudulently concealing material facts that I need to brief in DDC 17-cv-1394 in FOIA and Privacy Act cases against the EPA, FCC and NARA.

Example 3

From: jchelmowski@comcast.net <jchelmowski@comcast.net>

Sent: Thursday, January 7, 2021 11:37 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; FOIA HQ <FOIA_HQ@epa.gov>

Cc: O'Donnell, Sean <ODonnell.Sean@epa.gov>; OIP.ComplianceInquiry@usdoj.gov

Subject: 3rd Request for Written Official Response to 5 items in FOIA Public Liaison Dispute Mediation for FOIA EPA-21-1196 for \$4,480.50 Fees when Similar one EPA did not demand or require any fees When EPA Did NOT have Declarations Under the Penalty of Perjury

Importance: High

Dear EPA FOIA Headquarters, EPA FOIA Public Liaison Timothy Epp, and Nicole Rementer

Again, all recipients, please confirm receipt of this email. I will also send this through FOIAonline to legally document this email in case you don't confirm this email and cease any and all tolling. Any delay on this FOIA request is because of EPA FOIA Public Liaison refuses to perform their mandatory duties in this Official FOIA Public Liaison Request through omissions, negligence or willful conduct by all involved.

Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses.

Why are No response by Timothy Epp is documented in the FOIAonline correspondence demanding phone calls with no legal authority for these EPA demanded phone calls **as required by EPA policy and procedures** when I repeatedly stated **Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses?**

What is EPA attorney Timothy Epp motive? See below the FOIAonline correspondence log before this email is sent:

EPA-2021-001196 Request Details

Request Details	Correspondence	Financing	Released Records	Appeals
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Submitted

Evaluation

Assignment

Processing

Closed

Correspondence					Collapse
Showing 1 to 7 of 7 entries					
Show 10 entries					
Subject	From	Date	Detail		
FOIA Request EPA-2021-001196 Submitted	System	12/01/2020			+
FOIA Expedited Processing Disposition Reached for EPA-2021-001196	System	12/29/2020			+
Notice of Unusual Circumstances and Denial of Expedited Processing - EPA-2021-001196	Nicole Rementer	12/29/2020			+
Processing Fees Estimate and Request for Assurance of Payment - EPA-2021-001196	Nicole Rementer	12/30/2020			+
Re: Notice of Unusual Circumstances and Denial of Expedited Processing - EPA-2021-001196	Mr. James Chelmowski	12/30/2020			+
Re: Processing Fees Estimate and Request for Assurance of Payment - EPA-2021-001196	Mr. James Chelmowski	01/05/2021			+
Re: Processing Fees Estimate and Request for Assurance of Payment - EPA-2021-001196	Mr. James Chelmowski	01/05/2021			+

Copy to Clipboard

Export to CSV

Previous

1

Next

I have not received the written response to any of the 5 items in my Official FOIA Public Liaison Request.

Why will the EPA will not provide the breakdown of the hours required in this outrageous \$4,480.50 fee demand or why the EPA is now defining me as a Commercial requester.

I need WRITTEN FOIA Public Liaison Response to each of the 5 items below by Friday January 8, 2021 at 5pm or it will be legally deemed the EPA, all EPA FOIA Headquarters staff, Nicole Rementer, Chief FOIA officer David Fotouhi, and EPA Public Liaison attorney Timothy Epp are obstructing and/or either negligently or fraudulent concealing these FOIA responsive records. I need to respond to Judge Boasberg on January 14, 2021. Any delays would be deemed Obstruction and/or Concealment of material evidence I need to file my briefs on or before January 14, 2021. See Below:

The following transaction was entered on 1/4/2021 at 3:30 PM EDT and filed on 1/4/2021

Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA

Case Number: [1:17-cv-01394-JEB](#)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER GRANTING Consent [72] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 14, 2021; 2) Defendants shall file their combined Reply and any Opposition by February 15, 2021; and 3) Plaintiff shall file any Reply by March 15, 2021. So ORDERED by Judge James E. Boasberg on 1/4/2021. (lcjeb1)

Please again find the attached EPA-2021-001196 1-4-21 FOIA Public Liaison Request for the EPA demanding over \$4,000 in fees with exhibits.

Again, **the only acceptable FOIA Public Liaison Official response is to provide details response of these 5 items in writing.** This is an Official Formal FOIA Public Liaison Request which requires an Official FOIA Public Liaison Response for the following 5 items as soon as possible no later than January 8, 2021, so I can provide these answers to Judge Boasberg because it appears the EPA is obstructing material facts that I need to brief by January 14, 2021. See the following:

- 1) Please provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate.
- 2) Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50?
- 3) Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196?
- 4) Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386
- 5) Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394?

This will be also sent as a reply on FOIAonline to document this email in case it needs to be presented for evidence if it will legally be deemed after January 8, 2021 that EPA, all EPA FOIA Headquarters staff, Nicole Rementer, Chief FOIA officer David Fotouhi, and EPA Public Liaison attorney Timothy Epp are obstructing and/or either negligently or fraudulent concealing these FOIA responsive records.

Sincerely

James Chelmowski

FOIA Requester

Example 4

From: jchelmowski@comcast.net <jchelmowski@comcast.net>

Sent: Wednesday, January 13, 2021 9:58 AM

To: Levine, Scott <Levine.Scott@epa.gov>; O'Donnell, Sean <ODonnell.Sean@epa.gov>; FOIA HQ <FOIA_HQ@epa.gov>; National Privacy Program <privacy@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>

Cc: OIP.ComplianceInquiry@usdoj.gov; Criminal.Division@usdoj.gov

Subject: RE: Now Deemed Obstruction because you would respond with what I NEED Three Items Immediately to Respond to the email with Subject: FOIA EPA-2021-001590: Clarification / Certification of Identity needed

Importance: High

Dear Mr. Levine

EPA-2021-001590 Request Details

Request Details	Correspondence	Financing	Released Records	Appeals
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Correspondence Collapse

Showing 1 to 10 of 10 entries Show 10 entries

Subject	From	Date	Detail
EPA-2021-001590 - Assignment	Ryan Dominguez	12/22/2020	+
FOIA Request EPA-2021-001590 Submitted	System	12/22/2020	+
FOIA EPA-2021-001590: Clarification / Certification of Identity needed	Scott Levine	12/28/2020	+
Re: FOIA EPA-2021-001590: Clarification / Certification of Identity needed	Mr. James Chelmowski	12/30/2020	+
FOIA Expedited Processing Disposition Reached for EPA-2021-001590	System	12/30/2020	+
Expedited Processing Determination - EPA-2021-00001590	Nicole Rementer	12/30/2020	+
Re: Expedited Processing Determination - EPA-2021-00001590	Mr. James Chelmowski	01/04/2021	+
Re: FOIA EPA-2021-001590: Clarification / Certification of Identity needed	Mr. James Chelmowski	01/05/2021	+
Re: FOIA EPA-2021-001590: Clarification / Certification of Identity needed	Mr. James Chelmowski	01/12/2021	+
Re: FOIA EPA-2021-001590: Clarification / Certification of Identity needed	Mr. James Chelmowski	01/13/2021	+

Please explain why are concealing our communications and not putting them in FOIAonline communications, regarding the request of the following three items?

Are you trying to conceal your non-response to the following three items I need to answer your letter from the legal records?

It is documented how many times I requested this FOIAonline correspondence and regular emails. Now it is documented again. I have been requesting this since December 28, 2020 by email and since you repeatedly refuse to provide the response to the 3 items (see this email chain) this 5 times on FOIAonline Correspondence which you also refused.

It is clearly evident now that you and the EPA obstructing and fraudulently concealing the EPA federal records regarding me and not performing you mandatory duties. Probably because these responsive records would impeach your and Timothy Epp declaration statements under the penalty of perjury to the DC District Court.

As you know, if any EPA or Government attorney was not Candor to the Tribunal (District Court and Judge Boasberg) it must be corrected and reported immediately to the Tribunal (District Court and Judge Boasberg). See attach ABA Rules 3.3, 8.3 and 8.4 plus Your Declaration and Timothy Epp Declaration and EPA Statement of Material facts.

See FOIAonline Correspondence

It appears now you are obstructed and/or either negligently or fraudulent conceal these FOIA responsive records which are material facts I needed to brief in the DC District Court 17-cv-1394 Chelmowski v USA, FCC, EPA and NARA. As I emailed you in December of 2020, I can't respond until we have the True EPA Directives, policies, procedures, etc. I need the following THREE Items before December 29, 2020, so I can answer your email and your demands on me.

1. Please under the penalty perjury provide an affidavit or declaration pursuant to 28 USC § 1746 that document you are reference the U.S. Environmental Protection Agency Directive 2190 (Privacy Act Manual) Chapter 3.4 is the current Privacy Act procedures and ALL the Current US EPA Privacy Act Directives, policies, procedures, manuals therefore both the EPA and I will comply with the TRUE requirements.
2. All the Current EPA Privacy Act Directives, policy, procedures, manuals, etc. which I should have received from , Robert McKinney, Chief Information Security Officer & Director, Office of Information Security and Privacy on November 12, 2019.
3. An EPA statement by you pursuant to 28 § 1746, that the EPA and EPA Robert McKinney did not comply with the FOIA laws on or about November 12, 2019 by withholding and concealing the EPA Privacy Act Directives including US EPA Directive 2190 (Privacy Act Manual).

These responsive records are material facts; I need to either confirm or impeach EPA Timothy Epp and Scott Levine's declarations under the penalty of perjury the EPA has presented to Judge Boasberg in October of 2020. The EPA and you know, I need to respond to Judge Boasberg on January 14, 2021. See attached files, including Timothy Epp and Scott Levine Declaration under the penalty of perjury and the EPA statement of material facts relying exclusively on Timothy Epp and Scott Levine Declarations under the penalty of perjury.

See Below Court order from **Judge Boasberg requiring my briefing while the EPA obstructing and/or either negligently or fraudulent concealing these FOIA responsive records which are material facts that would confirm or impeach EPA Timothy Epp and Scott Levine's declarations under the penalty perjury which the EPA and the Courts are relying as Undisputed Material Facts (these court documents are attached) and Court order below:**

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Case Number: [1:17-cv-01394-JEB](#)

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Sincerely

James Chelmowski

FOIA Requester